

2014 SEAMLESS SUMMER OPTION AGREEMENT PART III

Description of the Seamless Summer Option request

The SFA (School Food Authority) seeks approval under the Seamless Summer Option (SSO) provisions found in section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 12(l)) to operate a Seamless Summer Option in specific locations within its jurisdiction (referred to as *option sites*). Option sites may be schools or other locations where the Summer Food Service Program (SFSP) meals would normally be served. Option sites must be located in needy areas, that is, where 50 percent or more of the children qualify for free or reduced price school meals, with the exception that option sites may also be located in non-needy areas, provided that at least 50 percent of the children enrolled in these sites qualify for free or reduced price school meals or in camps operated by the SFA.

The option combines features of the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the SFSP. The purpose of this option is to feed children in low-income areas during the summer months (or during extended breaks of a year-round school schedule). This option reduces paperwork and administrative burden that is normally associated with operating all three programs. The SFA is authorized by the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) and the Richard B. Russell National School Lunch Act permanent amendment to allow public and non-profit school food authorities SFA participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to operate the Seamless Summer Option. The SFA will follow requirements, where applicable, in the NSLP and SBP regulations at 7 CFR Parts 210, 220 and 225 for this option.

Special Provisions of the Seamless Summer Option

The SFA is committed to serving meals to the children in the community during the summer months (or in year-round school communities or at other times during the year when SFSP meals can be served) where the option sites are located and will adhere to the following special provisions:

1. General Program Administration and Sponsor Responsibilities

As required in §225.14(c)(1) of the SFSP regulations, the SFA demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total Program operations at all sites.

2. Site Eligibility

The following types of sites may participate and may be located in schools or at non-school facilities (buildings or outdoor locations). See Policy Memo SP 32-2013, Q and A #4.

Area Eligible - *Area eligibility is based on the percentage of enrolled children approved for free or reduced price meals as of the last day of operation of the most recent school year or other month designated by the State agency or other data as approved by Child & Adult Nutrition Services.*

Open

- Serves all children through age 18 at a site that is located within the geographical boundaries of a school attendance area that has at least 50% of its children approved for free or reduced price school meals or based on other data as discussed in Q and A #12, See Policy Memo SP 32-2013.
- Meals reimbursed at free school meal rates for all attending children.

Restricted open

- On a first-come, first-serve basis, serves children through age 18 at a site that is located within the geographical boundaries of a school attendance area that has at least 50% of its children approved for free or reduced price school meals or based on other data as discussed in Q and A #4 and #12, See Policy Memo SP 32-2013.
- Attendance is limited for reasons of security, safety, or control.
- Meals reimbursed at free school meal rates for all attending children.

Site Eligibility, continued

Enrolled

Closed enrolled

- Serves only children through age 18 in a specific program or activity serving only an identified group of children.
- Meals reimbursed for all children in attendance at the free school meals rates when the site has:
 - o At least 50 percent of the children enrolled at the site are approved for free or reduced price school meals; or
 - o Documentation indicates that the site is located within the geographical boundaries of a school attendance area with at least 50 percent of its children approved for free or reduced price school meals or other data as discussed in Q #12.
- A closed enrolled site with less than 50% of their enrolled children approved for free or reduced price school meals is **NOT eligible** to participate unless qualified to participate as a day camp.
- Enrolled children's eligibility status may be determined by:
 - o Information obtained from their schools;
 - o Applications submitted and approved by the sponsoring school or local educational agency;
 - o Direct certification conducted by the sponsor, school, or local educational agency.

Camps

- May be residential or non-residential (day camp).
- Must offer regularly scheduled food service as part of an organized program for enrolled children.
- Eligibility must be established for each enrolled child.
- Only meals served to children through age 18 who are eligible for free or reduced price school meals (based on individual eligibility) may be reimbursed.
- Enrolled children's eligibility status may be determined by:
 - o Information obtained from their schools;
 - o Applications submitted and approved by the sponsoring school or local educational agency;
 - o Direct certification conducted by the sponsoring school or local educational agency.
- Meals reimbursed at the free school meals rates for eligible children in attendance.
- Meals served to ineligible children are not reimbursed; camps may charge ineligible children for meals.

Migrant

- Primarily serving children through age 18 of migrant families, as certified by a migrant coordinator.
- Meals reimbursed for all children in attendance at the free school meals rates.

Schools operating under a traditional school calendar may operate option sites during the summer months when summer school is in session, provided that all option sites are open to all children (see item 3 below) in the eligible area; these meals will be reimbursed at the free NSLP/SBP rates. However, *summer school only* sites must operate under the NSLP/SBP and will be reimbursed at the free, reduced price, or paid rates.

Year-round schools may operate option sites for off-track students, provided that the sites are open to all children in the area eligibility community. Meals for on-track students will be reimbursed based on the individual student eligibility for free, reduced price or paid rates.

The SFA will not claim any meals under this option at any site without receiving prior approval from the State Agency.

3. Participant Eligibility

All persons in the community who are 18 years of age and under and those persons over age 18 who meet the State agency's definition of mentally or physically disabled may receive meals under the SSO.

4. Meal Service

The types of meals that may be served under the SSO, with the limitations described below include breakfast, morning snack, lunch, afternoon snack, and supper under the SSO. Menu planning must follow one of the regulatory menu planning approaches in 7 CFR 210.10 for the NSLP and 7 CFR 220.8 for the SBP. See Policy Memo SP 32-2013, Q and A # 32 -37. Meals at approved option sites will be served free to all children in accordance with §225.6(e)(4) of the SFSP regulations, exception camps, Q & A #29.

The number and type of meals that may be reimbursed depends on the category of site.

At open, restricted open, closed enrolled sites: a maximum of two meals, such as lunch and breakfast, or lunch and one snack, or breakfast and one snack, may be claimed per day (except for SBP meals, Q and A #31).

At camps (residential and non-residential): only the meals served to children eligible for free or reduced meals (based on approved applications or direct certification) may be reimbursed; a maximum of three meals, such as breakfast, lunch, and one snack, may be claimed per day (except for SBP meals, see Q and A #35). Lunch and supper may be claimed when served to the same children on the same day.

At migrant sites: a maximum of three meals, such as breakfast, lunch, and one snack, may be claimed per day (except for SBP meals, see Q and A #45).

Only camps and migrant sites may claim both lunch and supper served to the same children on the same day

Consistent with the NSLP and SBP regulations and instructions, the following provisions will apply to meal service at option sites:

- The NSLP and SBP meal requirements will be used.
- Second lunches, suppers, and snacks are not reimbursable and will not be claimed.
- Production and menu records will be maintained that show compliance with the meal requirements.
- At its option, the SFA may allow offer versus serve meals, but not required at the option sites.
- Off-site consumption of meals will not be allowed, except as part of a scheduled event such as a planned field trip, Off-site documentation does not need to be pre-approved but reflected on the production records for the day of the event.

5. Claims and Reimbursements

The SFA will claim meals at the “free” rates prescribed by USDA for the NSLP (including snacks) and SBP. Supper meals, if permitted by the state agency under the amendment will be claimed at the free rate for NSLP lunches. A claim will be submitted reflecting these option meals during the summer months. All lunches and suppers will receive the standard commodity support rate available for the NSLP. Option sites that qualify for the severe need breakfast rate will continue to receive this rate for reimbursement.

6. Monitoring

The SFA will review the meal counting, claiming, meal pattern/menu planning, and food safety requirements for each option site at least once during its operation and it is recommended within the first three weeks of operation. See Policy Memo SP 32-2013, Q and A #47.

7. Additional Reporting/Reviews/Evaluation

- State Agency Oversight -The State Agency will include option sites operated under this option in the management review requirements described at §210.18 of the NSLP regulations. If an AR is conducted of the SFA, at least one option site will be visited while it is in operation.
- FNS Evaluation - FNS reserves the right to conduct an evaluation of these option sites. The evaluation may include periodic special reviews. The State Agency and the SFA agree to cooperate as necessary, including making all applicable records and operations available for review.
- Additional Reports - FNS may request additional information for evaluation purposes. In the event that additional information on option site operation is required, FNS will allow sufficient time for the State Agency and the SFA to comply with the request. The State Agency and the SFA agree to comply with FNS’ requests for additional information for evaluation purposes.

Specific regulatory requirements to be waived

1. Exempted SFSP Regulations

To operate the Seamless Summer Feeding Option, the SFA requests the following regulatory provisions in 7 CFR Part 225 to be permanently waived:

7 CFR 225.6, State Agency responsibilities, paragraphs (b), (c), (e), (f), (h)

Except paragraphs (e)(4) and (e)(7);

7 CFR 225.7, Program monitoring and assistance, entire section;

7 CFR 225.8, Records and reports, entire section;

7 CFR 225.9, Program assistance to sponsors, entire section;

7 CFR 225.10, Audits and management evaluations, entire section;

7 CFR 225.11, Corrective action procedures, entire section;

7 CFR 225.12, Claims against sponsors, entire section;

7 CFR 225.13, Appeal procedure, entire section;

7 CFR 225.14, Requirements for sponsor participation, entire section

Except paragraphs (c)(1), (c)(2), (c)(3), and (d)(2);

7 CFR 225.15, Management responsibilities of sponsor, entire section

7 CFR 225.16, Meal service requirement, entire section

Except paragraph (b);

7 CFR 225.17, Procurement standards, entire section;

7 CFR 225.18, Miscellaneous administrative provision, entire section.

2. Non-exempted SFSP provisions

The SFSP Federal regulatory provisions, as identified in item 1 above, which remain in force include:

§225.6(e)(4) Section 225.6 covers State Agency responsibilities. Paragraph (e) covers the State-Sponsor Agreement. Paragraph (e)(4) requires that the sponsor agree to serve meals at no cost.

§225.6(e)(7) Paragraph (e)(7) requires the sponsor to agree to claim reimbursement only for the types of meals agreed upon with the State Agency and served without charge to children at approved sites during the approved meal service period. This paragraph also prohibits permanent changes to the serving time of any meal unless approved by the State Agency.

§225.14(c) (1) Paragraph (c) (1) requires that sponsors demonstrate financial and administrative capability to operate the program and requires sponsors to accept final financial and administrative responsibility for the total program operations at all sites.

§225.14(c) (2) Paragraph (c) (2) requires that sponsors must not have been declared seriously deficient in operating the program.

§225.14(c)(3) Paragraph (c)(3) requires that sponsors will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist (except for camps).

§225.14(d) (2) Paragraph (d)(2) requires that meals served in schools must be open to children in the community as well as children enrolled in summer school.

§225.16(b) Section 225.16 covers the meal service requirements, and establishes limits on the number of meals that may be served.